

October 16, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

08TW0152

James Trump
(Millside Subdivision)

Bermuda Magisterial District

REQUEST: Development Standards Waiver to the Zoning Ordinance provision in Section 19-510 (a)(1) to permit a recreational vehicle (camper) to be parked in an area outside of the required rear yard. Please note this request is a result of a complaint.

RECOMMENDATION

Staff recommends approval of the Development Standards Waiver with two (2) conditions for the following reasons:

1. Existing physical constraints to the property preclude the ability to park the RV and meet Ordinance standards.
2. The RV parked next to the home is screened by existing landscaping and additional cars in the drive.

CONDITIONS

1. The RV shall be parked in the side yard adjacent to the dwelling at all times except during loading and unloading activities.
2. This Development Standards Waiver shall be granted exclusively to James D. Trump, and not transferable with the land.

GENERAL INFORMATION

Applicant/Owner:

James D. Trump

Location:

East line of Swift Bluff Court, also know as Lot 17 Block C, Section 2 of Millside Subdivision or 17107 S. Swift Bluff Court, Tax ID 802-629-1660 (Sheet 42).

Existing Zoning and Land Use:

MH-2; Manufactured or Mobile Home Subdivision

Size:

.202 acre

Adjacent Zoning and Land Use:

North, South, East and West: MH-2; Manufactured or Mobile Home Subdivision

BACKGROUND

The applicant states the RV has been parked in the same location for one (1) year. Prior to owning this camper the applicant parked a pop-up style camper in this area for three (3) years. After receiving the complaint the applicant reviewed the situation with Staff. It was determined that a request for a Development Standards Waiver may be an appropriate option to resolve this situation. The Ordinance requires recreational vehicles to be parked in the rear yard, located behind the rear of the house, at least (5) five feet from the side property line and (10) ten feet from the rear property line. The applicant requests to continue parking the thirty-two (32) foot camper in the driveway, adjacent to the dwelling.

The applicant has submitted information demonstrating that physical limitations exist on the property and he cannot meet Ordinance requirements to park in the rear yard. (See Attachment 1)

Upon visiting the subject property Staff found that the physical orientation of the mobile home on the lot created two (2) narrow side yards with a narrow rear yard. An addition and a deck on the south side of the home in conjunction with mature trees on the north side of the home occupied the majority of both side yards. This precluded the ability to park the RV in the rear yard. (See Attachment 2)

CONCLUSIONS

The camper is parked in line with the home and screened by landscaping and additional vehicles parked in the driveway. The setback requirement for this property, zoned MH-2 Manufactured or Mobile Home Subdivision, is a minimum of thirty (30) feet for the dwelling. (Attachment 3) Staff observed the camper to be approximately thirty-five (35) feet from the right of way. A significant amount of landscaping in the front adequately screens the camper from the right of way. (Attachment 4)

Staff believes that based upon the physical constraints of the property, approval of the Development Standards Waiver will not adversely impact the neighborhood.

Staff recommends approval of this request.

REQUIRED FINDINGS – Section 19-19

The Planning Commission may grant a Development Standards Waiver to development standards or requirements specified in the Zoning Ordinance if it is determined to be in substantial compliance with all of the following factors:


- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such property the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
- (5) The granting of such modification will allow the project to comply with the Comprehensive Plan.

The Planning Commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the Board of Supervisors or the Board of Zoning Appeals, unless such condition specifically grants such modification authority to the Planning Commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.



08TW0152

 MILLSIDE SUBDIVISION



CITY OF COLONIAL HEIGHTS

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RECEIVED

AUG 17 2007

DIRECTOR
PLANNING DEPT.

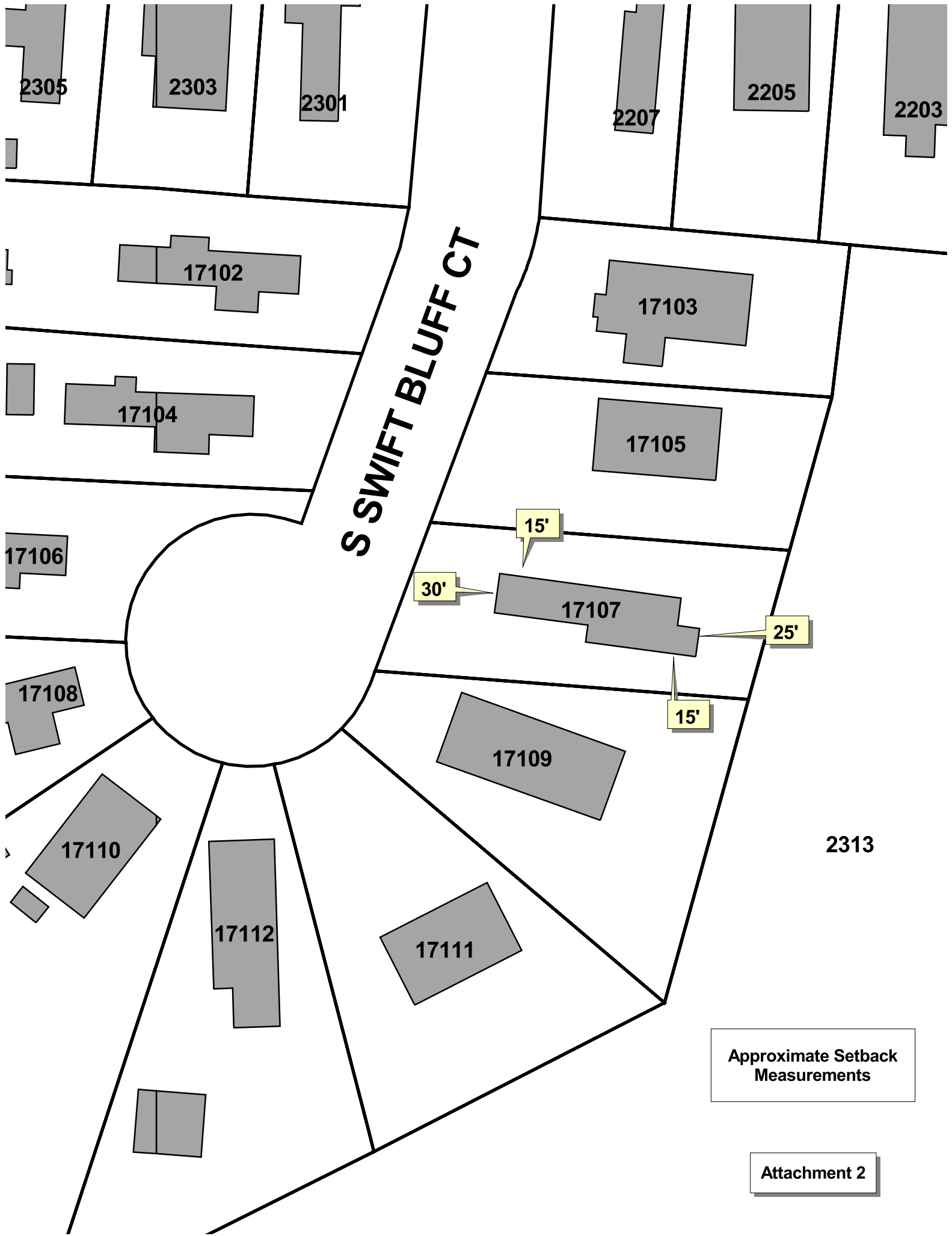
Reason Why I am Asking For
A Developmental Standard Waiver

- 1- Due to the size and shape of my lot the rear yard is not large enough to accommodate my R.V. The lot is also surrounded by woods.
- 2- The neighborhood in which I live (Hilleick) does not provide a lot for the parking of boats & campers in which the original Bi-Logs was suppose to have.
- 3- My address is 17107 S. Swift Bluff Ct. which is in a cul-de-sac. so if the camper was parked in the street it could cause problems for other vehicles to pass.
- 4- My Camper is of no safety or health risk to others because it is neatly parked on a concrete driveway as far back behind my privacy fence that you cannot see it until you are on the property. It does not change the character of the property and is very well kept.

5- Granting this modification will not
cause an amendment to be adopted,
for the reason that future residents,
if property is ever sold, may not have
a recreational vehicle.

6- Granting me this waiver will allow
me to park my Camper at my home and
be in compliance of Chesterfield County
Zoning Ordinance

Thank you
James P. King



2305

2303

2301

2207

2205

2203

17102

17104

17106

17108

17110

17112

17111

17103

17105

17107

17109

2313

15'

30'

25'

15'

Approximate Setback
Measurements

Attachment 2

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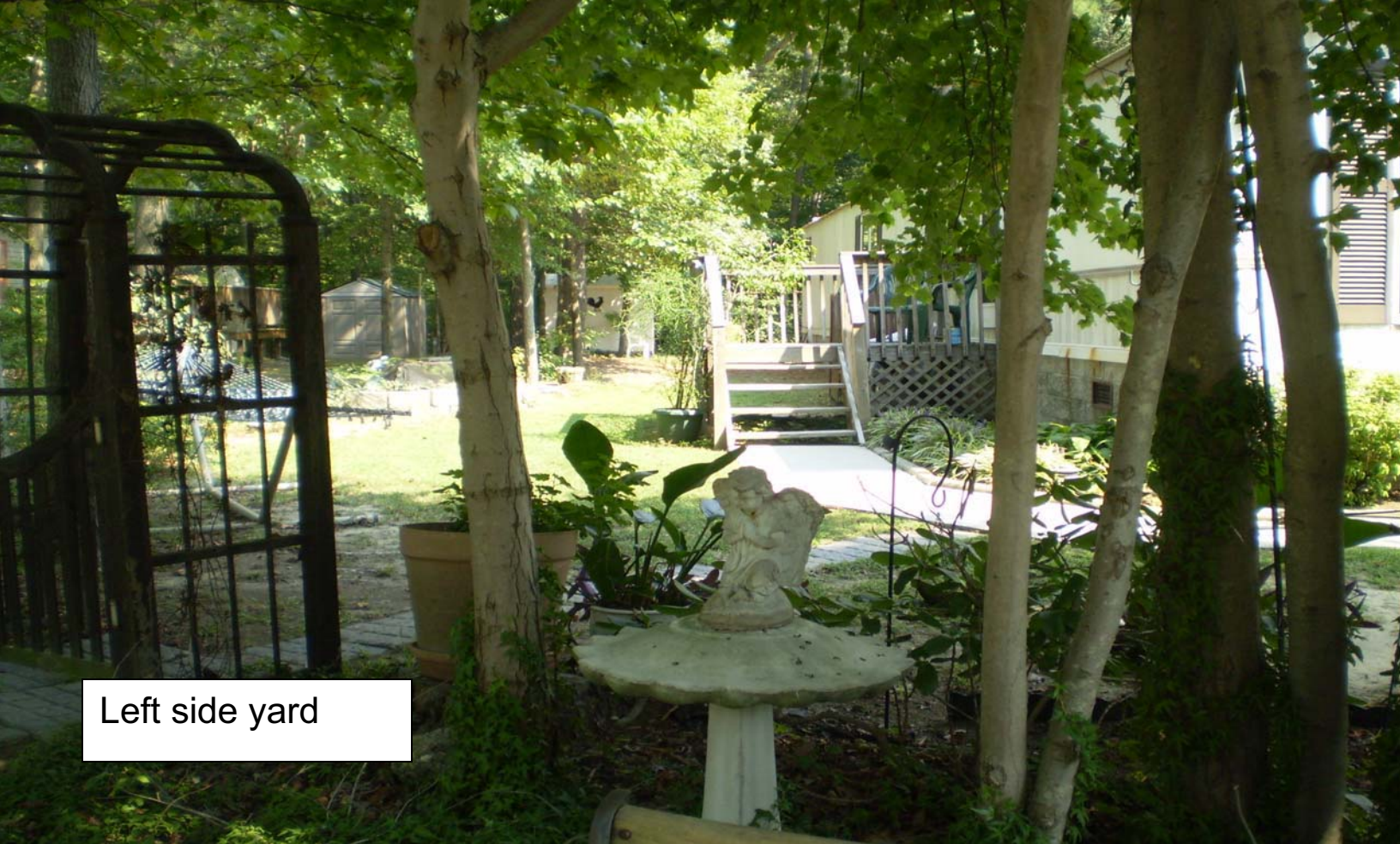


Looking East into the
subject property from the
right of way

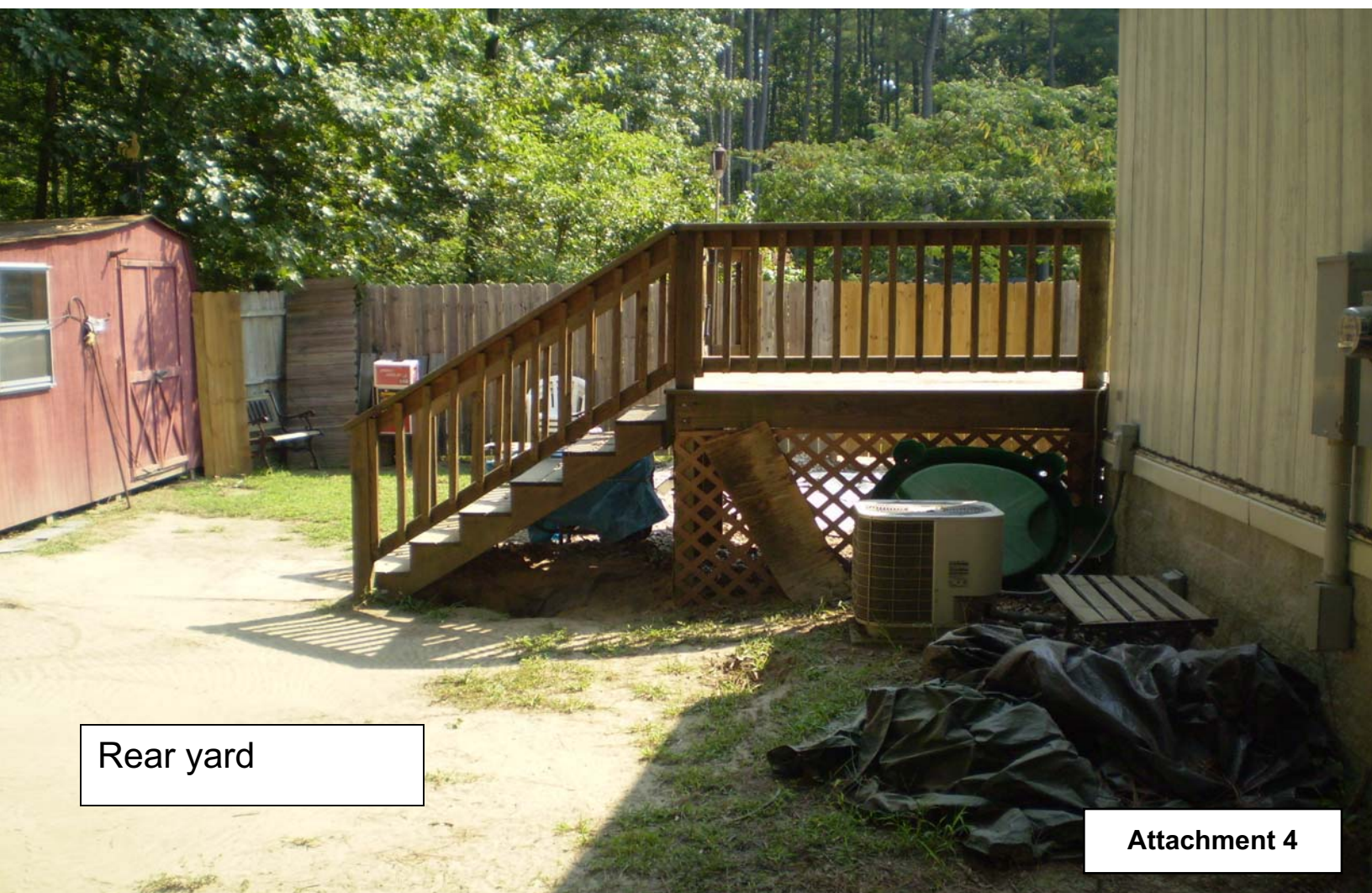


Right side yard view
from the right of way

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Left side yard



Rear yard